THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

CRIMINAL PETITION No.5022 of 2007

DATED: 28-04-2010

ORDER:

This petition is filed seeking to quash the order, dated 14-07-2008, in Crl.R.P.No.41 of 2007 passed by the learned X Additional District & Sessions Judge-cum-Special Judge under SC & ST (POA) Act, Machilipatnam, Krishna District.

1st Respondent herein-wife filed M.C.No.15 of 2002 claiming maintenance under Section 125 Cr.P.C. and the learned Judicial Magistrate of First Class refused to award any maintenance and dismissed the petition by order, dated 30-05-2007. As against the said order, the 1st respondent-wife preferred a revision before the Sessions Court in Crl.R.P.41 of 2007 and the learned Sessions Judge was pleased to award maintenance to the 1st respondent-wife at the rate of Rs.500/- per month. Aggrieved thereby, the present petition is filed by the petitioner herein-husband.

In my considered view, this petition is misconceived. Petitioner is having an alternative remedy of approaching this Court by way of filing an appeal under Sections 397 and 401 Cr.P.C., but not by invoking the inherent powers of this Court under Section 482 Cr.P.C.

For the above reason, Criminal Petition is dismissed.

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GOPALA KRISHNA TAMADA,J

22nd April, 2010
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